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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,812	09/16/2003	Yang-Jim Choi	1293.1916	1080
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STAAS & HALSEY LLP			DOAN, TRANG T	
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1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,812	CHOI, YANG-IIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	TRANG DOAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-12,44 and 45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5-12,44 and 45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/18/2010</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is in response to the amendment filed on 11/03/2010.
2. Claims 4 and 13-43 have been canceled.
3. Claims 1 and 44-45 has been amended.
4. Claims 1-3, 5-12 and 44-45 are pending for consideration.

***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/2010 has been entered.

***Information Disclosure Statement***

6. The information disclosure statement (IDS) submitted on 08/18/2010 is being considered by the examiner.

***Response to Arguments***

7. Applicant did not file a terminal disclaimer with respect to the rejection under obviousness-type double patenting mailed on 08/18/2010. Therefore, the rejection under obviousness-type double patenting has been maintained.

8. The rejection under U.S.C. 35 112, second paragraph, has been withdrawn in view of amendment filed on 11/3/2010.

9. Applicant's arguments filed on 11/03/2010 have been fully considered but they are not persuasive. Applicant argues on pages 7-8 of the Remarks that Fawcett in view of Murphy does not disclose transmitting a container and hash algorithm varying based on a format indicated in the header. Examiner respectfully disagrees with applicant's arguments. Fawcett in view of Murphy discloses an APDU packet that holds data. The container recited in claim 1 also uses to hold data. Therefore they both have the same functionality. Fawcett in view of Murphy further discloses hash algorithm varying based on a format indicated in the header (Murphy: column 5 lines 54-62 and column 14 lines 21-53).

10. Applicant argues on page 9 of the Remarks that Fawcett in view of Murphy does not disclose using the data format information to determine whether the generated metadata digest information is valid. Examiner respectfully disagrees with applicant's arguments. Fawcett in view of Murphy does disclose using the data format information to determine whether the generated metadata digest information is valid (Murphy: column 5 lines 54-62 and column 21 lines 33-48).

11. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only

knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, the combination of Fawcett and Murphy is proper.

### ***Double Patenting***

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 11/980642. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending

application renders the instant application's claims obvious as it discloses partitioning metadata based upon a predetermined semantic unit, selecting a predetermined metadata fragment data, generating meta-related information and transmitting a container including the selected metadata fragment, metadata-related information with a header including a metadata information indicating a data format type of the selected metadata fragment data as is claimed in the instant application (see Claim Comparison Table below).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Application 10/662812	Copending Application 11/980642
<p>Claim1:</p> <p>A method of managing metadata in a metadata transmission server, comprising: generating a plurality of metadata fragment data by <b>partitioning metadata to be transmitted based upon a predetermined semantic unit</b>; selecting a <b>predetermined metadata fragment data</b> from among the plurality of metadata fragment data; <b>generating, Using a processor, metadata-related information</b> using the selected metadata fragment data; and <b>transmitting a container including the selected metadata fragment data and the metadata-related information, and a header including data format information indicating a data format type of the selected metadata fragment data, wherein the metadata-related information comprises values obtained by substituting the</b></p>	<p>Claim 17:</p> <p>A metadata transmission server managing metadata security of a multimedia system, comprising: a programmed computer processor controlling the server according to a process of: generating, using a processor, a plurality of metadata fragment data by <b>partitioning metadata to be transmitted based upon a predetermined semantic unit</b>, selecting a <b>predetermined metadata fragment data</b> from among the plurality of metadata fragment data, <b>generating metadata-related information</b> using the selected metadata fragment data, and <b>transmitting a container including the selected metadata fragment data and the metadata-related information, and a header including data format information indicating a data format type of the selected metadata fragment data, wherein the</b></p>

<b>selected metadata fragment data into a unidirectional function, which function varies depending on the data format type indicated in the header.</b>	<b>metadata-related information comprises values obtained by substituting the selected metadata fragment data into a unidirectional function, which function varies depending on the data format type indicated in the header</b>
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***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2, 5, 11 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (US 5768526) (hereinafter Fawcett) in view of Murphy et al. (US6314468) (hereinafter Murphy).

15. Regarding claim 1, Fawcett discloses generating a plurality of metadata fragment data by partitioning metadata to be transmitted based upon a predetermined semantic unit (Fawcett: column 4 lines 26-32); selecting a predetermined metadata fragment data from among the plurality of metadata fragment data (Fawcett: column 4 lines 26-32); generating metadata-related information using the selected metadata fragment data (Fawcett: column 4 lines 33-35); and transmitting a container including the selected metadata fragment data and the metadata-related information (Fawcett: see figure 3; and column 4 lines 5-11). Fawcett does disclose a container (Fawcett: see Abstract: an APDU)

and wherein the metadata-related information comprises values obtained by substituting the selected metadata fragment data into a unidirectional function (Fawcett: column 4 lines 33-35) but not a header including data format information indicating a data format type of the selected metadata fragment data resided in the container and the unidirectional function varies depending on the data format type indicated in the header. However, Murphy discloses a header including data format information indicating a data format type of the selected metadata fragment data resided in the container and the unidirectional function varies depending on the data format type indicated in the header (Murphy: column 5 lines 13-14 and column 5 lines 54-62: a header comprises object identifiers. The object identifiers are used in message transmission to identify a type of message being transmitted, encryption techniques used for encrypting the transmitted message, and hash algorithms used for message digests). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett the feature of Murphy as discussed above for managing secure transmission of electronic data in EDI format between network entities over dedicated circuits or WANs (Murphy: column 4 lines 55-58).

16. Regarding claim 2, Fawcett as modified discloses wherein the selected metadata fragment data, the metadata-related information, and the data format information of the selected metadata fragment data are transmitted in a metadata container (Fawcett: column 4 lines 8-11).

17. Regarding claim 5, Fawcett as modified discloses wherein a metadata authentication level flag specifying a metadata authentication level is further contained in the metadata container (Fawcett: column 4 lines 8-11).

18. Regarding claim 11, Fawcett as modified discloses wherein the plurality of metadata fragment data and corresponding metadata-related information are inserted into the metadata container, and each metadata fragment data and the corresponding metadata-related information are connected to each other by pointer information (Fawcet: see figure 2).

19. Regarding claim 44, Fawcett discloses a method of managing metadata in a metadata transmission server, the method comprising: generating, using a processor, a plurality of metadata fragment data by partitioning metadata to be transmitted based upon a predetermined semantic unit having a predetermined meaning (Fawcett: column 4 lines 26-32); selecting a predetermined metadata fragment data from among the plurality of metadata fragment data (Fawcett: column 4 lines 26-32); generating metadata digest information by substituting the selected metadata fragment data into a unidirectional function (Fawcett: column 4 lines 33-35); and transmitting a container including the selected metadata fragment data and the metadata digest information (Fawcett: see figure 3; and column 4 lines 5-11). Fawcett does disclose a container (Fawcett: see Abstract: an APDU) and wherein the metadata-related information comprises values

obtained by substituting the selected metadata fragment data into a unidirectional function (Fawcett: column 4 lines 33-35) but not a header including data format information indicating a data format type of the selected metadata fragment data resided in the container and the unidirectional function varies depending on the data format type indicated in the header. However, Murphy discloses a header including data format information indicating a data format type of the selected metadata fragment data resided in the container and the unidirectional function varies depending on the data format type indicated in the header (Murphy: column 5 lines 13-14 and column 5 lines 54-62: a header comprises object identifiers. The object identifiers are used in message transmission to identify a type of message being transmitted, encryption techniques used for encrypting the transmitted message, and hash algorithms used for message digests). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett the feature of Murphy as discussed above for managing secure transmission of electronic data in EDI format between network entities over dedicated circuits or WANs (Murphy: column 4 lines 55-58).

20. Regarding claim 45, Fawcett discloses a method of managing metadata in a metadata transmission server, comprising: generating, using a processor, a plurality of metadata fragment data by partitioning metadata to be transmitted based upon a predetermined semantic unit having a predetermined meaning (Fawcett: column 4 lines 26-32); selecting a predetermined metadata fragment

data from among the plurality of metadata fragment data (Fawcett: column 4 lines 26-32); generating metadata container-level authentication message digest information by substituting the selected metadata fragment data into a unidirectional function (Fawcett: see Abstract section and column 4 lines 9-11); and transmitting a metadata container-level authentication container including the selected metadata fragment data, the metadata container-level authentication message digest information (Fawcett: see figure 3; and column 4 lines 5-11). Fawcett does disclose a container (Fawcett: see Abstract: an APDU) but not a header including data format information indicating a data format type of the selected metadata fragment data, wherein the data format information is used to determine whether the generated metadata digest information is valid. However, Murphy discloses a header including data format information indicating a data format type of the selected metadata fragment data, wherein the data format information is used to determine whether the generated metadata digest information is valid (Murphy: column 5 lines 13-14, column 5 lines 54-62: a header comprises object identifiers. The object identifiers are used in message transmission to identify a type of message being transmitted, encryption techniques used for encrypting the transmitted message, and hash algorithms used for message digests and column 21 lines 33-48). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett the feature of Murphy as discussed above for managing secure transmission of electronic data in EDI format between network entities over dedicated circuits or WANs (Murphy: column 4 lines 55-58).

21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Murphy, and further in view of Erickson et al. (US 20030081791) (hereinafter Erickson).

22. Regarding claim 3, Fawcett in view of Murphy does not disclose wherein the data format information indicates whether the selected metadata fragment data has a binary XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format. However, Erickson discloses wherein the data format information indicates whether the selected metadata fragment data has a binary XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format (Erickson: paragraph 0029: whether the "content type" of the message is "text/xml"). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett in view Murphy the feature of Erickson as discussed above in order to provide a message structure and a manner for handling such a message structure which enables each individual interaction between a consumer of web services and the provider thereof to stand alone (Erickson: paragraph 0007).

23. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Murphy, and further in view of Davis et al. (US 20020001395) (hereinafter Davis).

24. Regarding claim 6, Fawcett in view of Murphy does not disclose wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function. However, Davis discloses wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function (Davis: paragraphs 0184 and 0192). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett in view of Murphy the feature of Davis as discussed above to solve the problem of maintaining the association between various types of processing on the media signal or its metadata (Davis: paragraph 0003).

25. Regarding claim 7, Fawcett as modified discloses wherein the unidirectional function is a hash function (Davis: paragraph 0205).

26. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Murphy, and further in view of Buch et al. (Us 20030217165) (hereinafter Buch)

27. Regarding claim 8, Fawcett in view of Murphy does not disclose generating metadata authentication signature information using the metadata-related information and a first encryption key; and inserting the metadata authentication signature information in the metadata container containing the selected metadata fragment data. However, Buch discloses generating metadata authentication signature information using the metadata-related information and a first encryption key (Buch: paragraphs 0027-0028); and inserting the metadata authentication signature information in the metadata container containing the selected metadata fragment data (Buch: paragraphs 0027-0028). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Fawcett in view of Murphy the feature of Buch as discussed above because the digital signature authenticates the sender and at the same time confirms the integrity of the message. (Buch: paragraph 0005).

28. Regarding claim 9, Fawcett as modified discloses wherein the metadata authentication signature information is obtained by substituting the metadata-related information and the first encryption key into a unidirectional function (Fawcett: paragraph 0027).

29. Regarding claim 10, Fawcett as modified discloses encrypting the first encryption key using a second encryption key; and inserting the encrypted first encryption key into the metadata container containing the selected metadata

fragment data (Fawcett: paragraph 0027: encrypt the session key with a public key of the intended recipient).

30. Regarding claim 12, Fawcett as modified discloses wherein the plurality of metadata fragment data and corresponding metadata-related information and metadata authentication signature information are inserted into the metadata container, and each metadata fragment data and the corresponding metadata-related information and metadata authentication signature information are connected to one another by pointer (Fawcett: see figure 2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2431

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/Trang Doan/  
Examiner, Art Unit 2431

/Kaveh Abrishamkar/  
Primary Examiner, Art Unit 2431